

AMENDED IN SENATE JUNE 23, 2010

AMENDED IN SENATE JUNE 9, 2010

AMENDED IN ASSEMBLY MAY 18, 2009

AMENDED IN ASSEMBLY MAY 5, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 853

Introduced by Assembly Member Arambula

February 26, 2009

An act to amend ~~Section~~ *Sections 56425 and 56430* of, and to add Sections ~~56375.6~~ 56033.5 and ~~56435~~ 56650.1 to, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 853, as amended, Arambula. Local government: organization.

(1) The Cortese-Knox-Hertzberg Act of 2000 governs the organization and reorganization of local governmental entities, including, among other things, the annexation of island territories to a city or county.

~~This bill would provide procedures for annexing unincorporated fringe communities and unincorporated island communities, as defined, to a city under specified circumstances.~~

The bill would require a board of supervisors, within 180 days of receiving a petition to apply for annexation to a city or reorganization that includes an annexation to a city, to adopt a resolution of application for an annexation to a city or reorganization that includes an annexation

to a city if the affected territory meets specified conditions, thereby imposing a state-mandated local program.

(2) The Cortese-Knox-Hertzberg Act of 2000 requires a local agency formation commission to develop and determine the sphere of influence of each local governmental agency within the county and to enact policies designed to promote the logical and orderly development of areas within the sphere, and requires the commission, ~~in determining the sphere of influence of each local agency, to consider and prepare a written statement of its determination with respect to the present and planned land uses in the area, the present and probable need for public facilities and services in the area, the present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide, and the existence of any social or economic communities of interest in the area, as specified~~ *preparing and updating spheres of influence to conduct a service review of the municipal services provided in the county or other area designated by the commission, and to prepare a written statement of its determinations with respect to the growth and population projections for the affected area, the present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies, financial ability of agencies to provide services, status of, and opportunities for, shared facilities, accountability for community service needs, including governmental structure, and operational efficiencies, as specified.*

~~This bill would also require the commission to adopt a comprehensive plan to address infrastructure deficiencies for unincorporated fringe communities, unincorporated island communities, and unincorporated legacy communities, as defined, and would require the commission to prepare a written statement of its determinations with respect to the existence of that comprehensive plan with regard to the commission's determination of spheres of influence, thereby imposing a state-mandated local program. The bill would also prohibit a commission from approving a change to a sphere of influence unless all relevant agencies are in compliance with the comprehensive plan.~~

This bill would also require the agency to include in its written statement a determination with respect to the location and characteristics, including infrastructure needs or deficiencies, or any disadvantaged inhabited communities, thereby imposing a state-mandated local program. The bill would also require a commission, upon the review and update of a sphere of influence on or after July 1, 2010, to include in the review or update of each sphere of

influence of a city or special district that provides public facilities or services related to sewers, nonagricultural water, or structural fire protection to include the present and probable need for public facilities and services of disadvantaged inhabited communities.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56033.5 is added to the Government Code,
2 to read:

3 56033.5. “Disadvantaged inhabited community” means
4 inhabited territory that constitutes all or a portion of a
5 “disadvantaged community,” as defined by Section 75005 of the
6 Public Resources Code.

7 ~~SECTION 1. Section 56375.6 is added to the Government~~
8 ~~Code, to read:~~

9 ~~56375.6. (a) As used in this section, the following terms have~~
10 ~~the following meanings:~~

11 ~~(1) “Unincorporated fringe community” means any inhabited~~
12 ~~unincorporated territory that is within 1.5 miles of a city or within~~
13 ~~or adjacent to a city’s sphere of influence.~~

14 ~~(2) “Unincorporated island community” means any inhabited~~
15 ~~unincorporated territory that is surrounded or substantially~~
16 ~~surrounded by one or more cities or by one or more cities and a~~
17 ~~county boundary or the Pacific Ocean.~~

18 ~~(3) “Disadvantaged community” means a community with an~~
19 ~~annual median household income that is less than 80 percent of~~
20 ~~the statewide annual median household income. Income evidence~~
21 ~~may be provided by a community household survey.~~

22 ~~(b) The board of supervisors shall petition the commission in~~
23 ~~the board’s county to approve the annexation to a city of any~~
24 ~~unincorporated island community or unincorporated fringe~~
25 ~~community after notice and hearing if all of the following~~
26 ~~conditions exist:~~

1 ~~(1) Twenty-five percent of the registered voters or landowners~~
2 ~~in the unincorporated fringe community or unincorporated island~~
3 ~~community file a petition with the board to initiate an annexation~~
4 ~~of that community to a municipality.~~

5 ~~(2) The territory contained in the annexation petition constitutes~~
6 ~~an unincorporated island community or constitutes an~~
7 ~~unincorporated fringe community that has infrastructure~~
8 ~~deficiencies, such as lacking wastewater, drinking water services,~~
9 ~~storm drainage, paved streets, sidewalks, or streetlights, or there~~
10 ~~exists a serious infrastructure-related health hazard.~~

11 ~~(3) The territory that is the subject of the annexation petition~~
12 ~~constitutes a disadvantaged community. Income evidence may be~~
13 ~~provided by a community household survey.~~

14 SEC. 2. Section 56425 of the Government Code is amended
15 to read:

16 56425. (a) In order to carry out its purposes and responsibilities
17 for planning and shaping the logical and orderly development and
18 coordination of local governmental agencies to advantageously
19 provide for the present and future needs of the county and its
20 communities, the commission shall develop and determine the
21 sphere of influence of each local governmental agency within the
22 county and enact policies designed to promote the logical and
23 orderly development of areas within the sphere.

24 (b) Prior to a city submitting an application to the commission
25 to update its sphere of influence, representatives from the city and
26 representatives from the county shall meet to discuss the proposed
27 new boundaries of the sphere and explore methods to reach
28 agreement on development standards and planning and zoning
29 requirements within the sphere to ensure that development within
30 the sphere occurs in a manner that reflects the concerns of the
31 affected city and is accomplished in a manner that promotes the
32 logical and orderly development of areas within the sphere. If an
33 agreement is reached between the city and county, the city shall
34 forward the agreement in writing to the commission, along with
35 the application to update the sphere of influence. The commission
36 shall consider and adopt a sphere of influence for the city consistent
37 with the policies adopted by the commission pursuant to this
38 section, and the commission shall give great weight to the
39 agreement to the extent that it is consistent with commission
40 policies in its final determination of the city sphere.

1 (c) If the commission's final determination is consistent with
2 the agreement reached between the city and county pursuant to
3 subdivision (b), the agreement shall be adopted by both the city
4 and county after a noticed public hearing. Once the agreement has
5 been adopted by the affected local agencies and their respective
6 general plans reflect that agreement, then any development
7 approved by the county within the sphere shall be consistent with
8 the terms of that agreement.

9 (d) If no agreement is reached pursuant to subdivision (b), the
10 application may be submitted to the commission and the
11 commission shall consider a sphere of influence for the city
12 consistent with the policies adopted by the commission pursuant
13 to this section.

14 (e) In determining the sphere of influence of each local agency,
15 the commission shall consider and prepare a written statement of
16 its determinations with respect to each of the following:

17 (1) The present and planned land uses in the area, including
18 agricultural and open-space lands.

19 (2) The present and probable need for public facilities and
20 services in the area. *Upon the next review and update of a sphere*
21 *of influence that occurs pursuant to subdivision (g) on or after*
22 *July 1, 2011, the review and update of each sphere of influence of*
23 *a city or special district that provides public facilities or services*
24 *related to sewers, nonagricultural water, or structural fire*
25 *protection shall include the present and probable need for public*
26 *facilities and services of any disadvantaged inhabited communities.*

27 (3) The present capacity of public facilities and adequacy of
28 public services that the agency provides or is authorized to provide.

29 (4) The existence of any social or economic communities of
30 interest in the area if the commission determines that they are
31 relevant to the agency.

32 ~~(5) The existence of a comprehensive plan adopted pursuant to~~
33 ~~Section 56435 and local agency compliance with that plan, if~~
34 ~~applicable.~~

35 (f) Upon determination of a sphere of influence, the commission
36 shall adopt that sphere.

37 (g) On or before January 1, 2008, and every five years thereafter,
38 the commission shall review and update, as necessary, each sphere
39 of influence.

(h) The commission may recommend governmental reorganizations to particular agencies in the county, using the spheres of influence as the basis for those recommendations. Those recommendations shall be made available, upon request, to other agencies or to the public. The commission shall make all reasonable efforts to ensure wide public dissemination of the recommendations.

(i) When adopting, amending, or updating a sphere of influence for a special district, the commission shall do all of the following:

(1) Require existing districts to file written statements with the commission specifying the functions or classes of services provided by those districts.

(2) Establish the nature, location, and extent of any functions or classes of services provided by existing districts.

~~(3) The commission shall not approve any change to a sphere of influence unless all relevant local agencies are in compliance with Section 56435.~~

SEC. 3. ~~Section 56435 is added to the Government Code, to read:~~

~~56435. (a) As used in this section, the following terms have the following meanings:~~

~~(1) "Unincorporated fringe community" means any inhabited unincorporated territory that meets all of the following conditions:~~

~~(A) The community is within 1.5 miles of a city or within or adjacent to a city's sphere of influence.~~

~~(B) The community has infrastructure deficiencies, such as lacking wastewater, drinking water services, storm drainage, paved streets, or there exists a serious infrastructure-related health hazard.~~

~~(C) The community constitutes a disadvantaged community.~~

~~(2) "Disadvantaged community" means a community with an annual median household income that is less than 80 percent of the statewide annual median household income. Income evidence may be provided by a community household survey.~~

~~(3) "Unincorporated island community" means any inhabited unincorporated territory that meets all of the following conditions:~~

~~(A) The community is surrounded or substantially surrounded by one or more cities or by one or more cities and a county boundary or the Pacific Ocean.~~

1 ~~(B) The community has infrastructure deficiencies, such as~~
2 ~~lacking wastewater, drinking water services, storm drainage, paved~~
3 ~~streets, or there exists a serious infrastructure-related health hazard.~~

4 ~~(C) The community constitutes a disadvantaged community.~~

5 ~~(4) “Unincorporated legacy community” means any inhabited~~
6 ~~unincorporated territory that meets all of the following conditions:~~

7 ~~(A) The community is more than 1.5 miles from a city and not~~
8 ~~adjacent to a city’s sphere of influence.~~

9 ~~(B) The community has infrastructure deficiencies, such as~~
10 ~~lacking wastewater, drinking water services, storm drainage, paved~~
11 ~~streets, or there exists a serious infrastructure-related health hazard.~~

12 ~~(C) The community constitutes a disadvantaged community.~~

13 ~~(b) The commission shall adopt a comprehensive plan to address~~
14 ~~infrastructure deficiencies for unincorporated fringe communities;~~
15 ~~unincorporated island communities, and unincorporated legacy~~
16 ~~communities.~~

17 ~~(1) The comprehensive plan must include a feasibility analysis~~
18 ~~that includes at least one of the following:~~

19 ~~(A) Extension of municipal services.~~

20 ~~(B) Annexation.~~

21 ~~(C) Consolidation of agencies.~~

22 ~~(D) Other actions within the commission’s authority.~~

23 ~~(2) The comprehensive plan shall include potential federal, state~~
24 ~~or local funding sources, including, but not limited to, community~~
25 ~~development block grants, redevelopment funds, the Clean Water~~
26 ~~State Revolving Fund, and the Safe Drinking Water Revolving~~
27 ~~Fund. For any single infrastructure category, the plan shall not~~
28 ~~include an assessment for capital costs levied on residents of a~~
29 ~~disadvantaged community that exceeds 1.5 percent of the median~~
30 ~~household income in that community.~~

31 ~~(3) The comprehensive plan shall include a timeline for each~~
32 ~~action.~~

33 ~~(4) The relevant local agencies shall be consulted by the~~
34 ~~commission and may provide guidance or comments prior to the~~
35 ~~adoption of the plan.~~

36 ~~(5) The comprehensive plan may be developed using the process~~
37 ~~described in subdivisions (b) and (c) of Section 56425.~~

38 ~~(e) The comprehensive plan shall be adopted concurrent with~~
39 ~~the commission’s review pursuant to subdivision (g) of Section~~

1 56425, or prior to acting on any request pursuant to Section 56428,
2 whichever occurs first.

3 ~~(d) All local agencies identified in a comprehensive plan shall~~
4 ~~comply with the adopted actions and timelines of the commission.~~
5 ~~A local agency may present a challenge to the comprehensive plan,~~
6 ~~as it relates to that local agency, to the commission. The~~
7 ~~commission shall adopt a written response to that challenge within~~
8 ~~90 days.~~

9 ~~(e) The commission shall not approve an annexation to a city~~
10 ~~if that city is not in compliance with a comprehensive plan action~~
11 ~~related to a community that lacks wastewater or drinking water~~
12 ~~services constituting a serious public health hazard.~~

13 *SEC. 3. Section 56430 of the Government Code is amended to*
14 *read:*

15 56430. (a) In order to prepare and to update spheres of
16 influence in accordance with Section 56425, the commission shall
17 conduct a service review of the municipal services provided in the
18 county or other appropriate area designated by the commission.
19 The commission shall include in the area designated for service
20 review the county, the region, the subregion, or any other
21 geographic area as is appropriate for an analysis of the service or
22 services to be reviewed, and shall prepare a written statement of
23 its determinations with respect to each of the following:

24 (1) Growth and population projections for the affected area.
25 (2) *The location and characteristics, including infrastructure*
26 *needs or deficiencies, of any disadvantaged inhabited communities.*

27 ~~(2)~~
28 (3) Present and planned capacity of public facilities and
29 adequacy of public services, including infrastructure needs or
30 deficiencies.

31 ~~(3)~~
32 (4) Financial ability of agencies to provide services.
33 ~~(4)~~
34 (5) Status of, and opportunities for, shared facilities.
35 ~~(5)~~
36 (6) Accountability for community service needs, including
37 governmental structure and operational efficiencies.

38 ~~(6)~~
39 (7) Any other matter related to effective or efficient service
40 delivery, as required by commission policy.

1 (b) In conducting a service review, the commission shall
2 comprehensively review all of the agencies that provide the
3 identified service or services within the designated geographic
4 area.

5 (c) The commission shall conduct a service review before, or
6 in conjunction with, but no later than the time it is considering an
7 action to establish a sphere of influence in accordance with Section
8 56425 or Section 56426.5 or to update a sphere of influence
9 pursuant to Section 56425.

10 *SEC. 4. Section 56650.1 is added to the Government Code, to*
11 *read:*

12 *56650.1. (a) Within 180 days of receiving a petition that meets*
13 *the qualifications described in subdivision (b), a board of*
14 *supervisors shall adopt a resolution of application for an*
15 *annexation to a city or a reorganization that includes an*
16 *annexation to a city if the affected territory meets all of the*
17 *following conditions:*

18 *(1) The territory is all or a portion of a disadvantaged inhabited*
19 *community.*

20 *(2) The territory is an inhabited territory.*

21 *(3) The territory is within the city's sphere of influence.*

22 *(4) The territory is contiguous to the city.*

23 *(b) A petition to request a board of supervisors to apply for an*
24 *annexation to a city or reorganization that includes an annexation*
25 *to a city shall be signed by either of the following:*

26 *(1) Not less than 25 percent of the registered voters residing in*
27 *the territory proposed to be annexed, as shown on the county*
28 *register of voters.*

29 *(2) Not less than 25 percent of the number of owners of land*
30 *within the territory proposed to be annexed who also own 25*
31 *percent of the assessed value of land within the territory as shown*
32 *on the last equalized assessment roll.*

33 ~~SEC. 4.~~

34 *SEC. 5. No reimbursement is required by this act pursuant to*
35 *Section 6 of Article XIII B of the California Constitution because*
36 *a local agency or school district has the authority to levy service*
37 *charges, fees, or assessments sufficient to pay for the program or*

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

O